

**2007 Annual Illinois Judicial Conference
Thursday, October 25, 2007
9:30 a.m.
Hyatt Regency Hotel
Chicago, Illinois
Honorable Robert R. Thomas, Chief Justice**

Good morning. It is my pleasure to welcome all of you to the 2007 annual meeting of the Illinois Judicial Conference. On behalf of my colleagues on the Illinois Supreme Court, let me begin by thanking all of you for your presence here today, and for all of your hard work during the previous year.

As I said to all of you last year, a judge's day is full enough, preparation for the morning status call, contested motion hearings, trials that last into the evening, pretrial conferences and settlement mediation tucked in between order drafting. The mornings are often early and the evenings are often late. The fact that all of you have chosen to assume additional responsibilities in the form of Judicial Conference committee assignments is a testament to your devotion to the law and to the fair, orderly and efficient administration of justice in this state.

The work of the committee is indispensable to both the maintenance and the progress of the judicial branch, and your commitment to something greater than yourselves is to be commended.

I am pleased today to be joined by several of my colleagues from the Illinois Supreme Court, as well as by some former members of our Court. Let me make some introductions.

--- Former Supreme Court Justice John Nickels of the Second District is here today.

Welcome, Justice Nickels, and thank you for your continued service to Illinois. Members of the current Court are here as well.

--- From the First District, Justices Charles Freeman and Tom Fitzgerald.

--- From the Third District, Justice Tom Kilbride.

--- From the Fourth District, Justice Rita Garman.

--- And from the Fifth District, Justice Lloyd Karmeier.

Welcome to all of you.

And lastly, I would like to recognize Cynthia Cobbs, Director of the AOIC. The Administrative Office is instrumental in coordinating and facilitating the work of our various Conference committees. Today's event would not have been possible without the tireless efforts of Cynthia and her staff. We owe all of them our gratitude and another round of applause.

Now, let's remind ourselves why we are here today. Like the State of the Union Address, the annual Judicial Conference is mandated by the Constitution. Specifically, by Article 6, Section 17, which provides that the Supreme Court shall provide by rule for an annual Judicial Conference to consider the work of the courts and to suggest improvements in the administration of justice.

But the real answer is that we have a duty to be here, and I am confident that conferences such as these would occur even without a Constitutional mandate. The annual Judicial Conference reminds us that the judiciary is indeed a co-equal branch of government, and that as such we are charged not only with deciding individual cases, but also with managing and administering the system in which those decisions are made.

Like it or not, the judiciary is also a bureaucracy, and the purpose of the Conference committees is to insure that the bureaucracy operates as fairly and efficiently as possible so that justice may always be done.

Make no mistake, the work we will do here today is important. But it is only a reflection of the very important work that was done over the last 12 months, and only a hint of the great things that are to come. The next 12 months will indeed bring challenges, and I look forward to working with Director Cobbs and all of the committees to insure that the quality and efficiency of the justice in this state is always improving.

As you recall, last year marked the first time that the Supreme Court assigned particular projects and initiatives to each of the seven Judicial Conference committees. Our goal was to shift the committees' focus from problem identification to problem solving. From identifying the need for a solution to formulating that solution in concrete terms.

This afternoon we will hear detailed reports from each of the seven committees and I'm confident that the results will be impressive. These reports will address a wide range of issues and initiatives, including the development of an evidence-based practice guide for use by the judiciary, the utility of alternative dispute resolution in the criminal context, the use of electronic discovery and telephonic depositions and the administrative and technological changes associated with video arraignment and video deposition. The use of mediation and alternative dispute resolution in the child custody context. The creation of a core curriculum for continuing judicial education. The scope and necessity of confidentiality in juvenile delinquency and neglect cases. The effectiveness of problem-solving courts and the management of criminal prosecutions, most especially in relation to drug cases and juvenile justice. The development and implementation of a minimum continuing judicial education curriculum, and the preparation of six comprehensive judicial bench books in several core areas, including civil law and procedure, criminal law and procedure, traffic law, DUI and domestic violence.

These are not small matters and they will demand an extraordinary amount of study, debate and attention. None of us alone have the answers. But in coming together and sharing our collective wisdom, talent and experience, we hopefully will take a major step forward in identifying what works and what does not.

A perfect example of this paradigm at work is the Supreme Court Special Committee on Child Custody, which was formed in 2002 and charged with formulating methods to expedite the review of child custody cases. Modeled after the Special Supreme Court Committee on Capital Cases, the committee on child custody was comprised of fifteen (15) judges from across the state, all of whom were intimately familiar with, and experienced in child custody matters.

The committee's primary focus was on expediting the time it takes to bring child custody and adoption cases to trial and through appeal. For almost three (3) years the committee met and held public hearings throughout the state. Input was sought not only from lawyers and judges, but also from social workers, child welfare specialists and parents. The net result was a new series of Supreme Court rules adopted last year.

Comprehensive in their application, these rules are designed to expedite cases effecting the custody of a child, to insure the coordination of custody matters filed under different statutory acts, and to focus child custody proceedings on the best interest of the child, all while protecting the rights of other parties to the proceedings.

Crafting these rules was a tremendous undertaking, and I'm grateful to the committee members for their years of hard work and dedication, and their hard work paid off. The new rules represent a major step forward in the handling of child custody cases and the committee's work will help to insure that the children of this state are well served by the court system.

Now, admittedly these new rules will not by themselves eliminate all of the deficiencies that exist in the current system. They are the first step, not the last step. But it is vital that in an area as important to our community's future as this, the care and well being of our children, that each of us works to insure that our portion of the system is working as efficiently and as beneficially as possible.

That was the goal of the Supreme Court Special Committee on Child Custody, it is the goal of the new Supreme Court rules, and I'm certain it is a goal shared by everyone sitting here today.

Indeed, like the special committee on child custody, each of the Judicial Conference committees is responsible for insuring that its piece of the judicial system is operating at maximum efficiency and with a full commitment to serving the cause of justice. If each committee succeeds in its dedicated field, the system as a whole will remain healthy and robust.

Writing in Federalist 82, Hamilton described the state and the federal judiciaries as kindred systems. Yet he also warned that only time can mature and perfect so compound a system, can liquidate the meaning of all the parts, and can adjust them to each other in a harmonious and consistent whole.

In many ways, the same can be said of the state judiciary. We are undoubtedly one court system, but at the same time we are divided into several distinct systems; Circuit Courts, Appellate Districts, the Supreme Court. And as often as we work together, it can sometimes feel like we are working at odds. Trial judges sometimes view reviewing courts as the enemy, or at least as somewhat aloof. And reviewing courts can sometimes forget what it's like to render a hundred decisions a day instead of a hundred decisions a year.

And that's why I'm grateful for gatherings such as these. They help forge a spirit of collegiality, respect and cooperation among the different judges of this state. Or as Hamilton might say, to mature and perfect the system, adjusting them to each other in a harmonious and consistent whole.

Your presence here today speaks to your commitment. In return, I promise that the Court

will make available whatever resources are within its power to provide to insure your work can be performed as thoroughly and as efficiently as possible.

Now, one last thing. I said it last year, and I will say it again this year. In past years the committee chair has put out the word that anyone who asks a question during the plenary session risks a swift and painful death. Last year I invited all of you to leave that mentality behind and to obey one simple directive. Listen critically and ask a lot of questions. And I can honestly say that last year's plenary session was one of the most productive and dynamic that we have had in years. Well, let's do it again.

This Conference should not be an empty exercise in speech making and report giving. It should be a dynamic exchange of ideas and information. Each of us brings to this gathering a valuable perspective shaped by our unique experiences as judges. Even if you do not serve on the committee in question, that does not mean that you have nothing to contribute.

Many of these topics cut across disciplines and will potentially impact every courtroom in Illinois. Each of us owes a duty, both to our colleagues and to the public, to insure that the best possible policy is reached and that every argument is given full and fair consideration.